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unlawful. Any duty or act required of or authorized to be done by the building inspector may be performed by the assistant building inspector, subject to the approval of the building inspector. (Code 1986, § 2-422; Ord. No. 11103, § 2, 11-28-00)

Sec. 2-623. Same – Conflict of interest prohibited.

The building inspector and his assistant shall not, during their tenure in office, be employed or engaged directly or indirectly in any building business, enter into any contract for building for others or furnish materials, specifications or plans for buildings for others in the city. (Code 1986, § 2-423; Ord. No. 11103, § 2, 11-28-00)

Sec. 2-624. Plumbing inspector.

The office of plumbing inspector is hereby created. Such officer shall be appointed by the mayor for a term of one (1) year from the first Monday in June until his successor is elected and qualified; provided, that he shall be subject to removal at any time by the mayor. When a vacancy in such office occurs, it shall be filled by the mayor. The plumbing inspector shall be a capable man of good moral character experienced in plumbing work. He shall enforce the provisions of this Code and other ordinances of the city relating to the installation and maintenance of plumbing. Before entering upon the discharge of the duties of his office, he shall take and subscribe before the mayor an oath faithfully and impartially to perform his duties. (Code 1986, § 2-424; Ord. No. 9654, § 13, 1-6-92; Ord. No. 11103, § 2, 11-28-00)

Sec. 2-625. Construction Board of Adjustment and Appeals for Building, Residential, Electrical, Fire, Fuel Gas, Life Safety, Mechanical and Plumbing codes.

(a) There hereby is created a Construction Board of Adjustment and Appeals for all of the adopted building codes of the city. Such Board shall consist of nine (9) members, who shall be active in the field of construction and shall serve without compensation. One (1) member of the board shall be a building contractor; one (1) member shall be a plumbing contractor; one (1) member shall be an electrical contractor; one (1) member shall be a mechanical, heating, ventilation, and air conditioning contractor; one (1) member shall be a realtor; one (1) member shall be an architect; one (1) member shall be an engineer; one (1) member shall be a building supply dealer; and one (1) member shall be a person who is qualified by experience and training with the hazards of fire, explosions, hazardous conditions or fire protection systems. The members shall be appointed by the mayor, subject to city council approval, for terms of four (4) years each. The board shall organize by electing one (1) of its members as chair. The chair or the chair's designee shall act as secretary to the Board.

(b) The Construction Board of Adjustment and Appeals shall meet once monthly on a date to be determined by its chair, to consider appeals from the decisions of the various

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enforcement officers of the various construction codes of the city and to consider adjustments in the various construction codes. The Board shall also have the power to determine questions of administrative interpretations of the code, questions of the use of materials and types of construction, to hear proof of performance of new materials or materials not specifically covered in the codes, and to determine the usability of such materials and the safety and permanence of various types of construction.

(c) Every decision of the Board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity from the Hamilton County Chancery Court.

(d) The Construction Board of Adjustment and Appeals shall also have power to make recommendations for revisions or modifications of all existing construction codes to the mechanical codes review committee.

(e) Five (5) members of the Construction Board of Adjustment and Appeals shall constitute a quorum. In varying the application of any provisions of this Code or in modifying an order of the building official, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. No board member shall act in a case in which that board member has a personal interest.

(f) Powers. The Construction Board of Adjustment and Appeals shall have the power, as further defined in (g), to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

(g) Appeals of a Decision of the Building Official. The owner of a building, structure or service system, or a duly authorized agent, may appeal a decision of the building official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

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(h) Variances. The Construction Board of Adjustment and Appeals, when so appealed to and after a hearing, may vary the application of any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
3. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
4. That the grant of the variance that will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

Conditions of the variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

(i) Procedures of the Board.

1. Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet once monthly, if applications are submitted, on a date to be determined by the chairman. The board shall meet within thirty (30) calendar days after notice of appeal has been received. No applications for any appeal shall be accepted if filed less than five (5) days before a scheduled monthly meeting.
2. Decisions. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such

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decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. Every decision of the Board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

(Code 1986, § 2-425; Ord. No. 9654, §§ 2 & 53, 1-6-92; Ord. No. 11041, § 5, 7-25-00; Ord. No. 11103, § 2, 11-28-00; Ord. No. 11721, § 5, 7-26-05)

Sec. 2-626 Mechanical codes review committee.

(a) There is hereby created a mechanical codes review committee. The committee shall have 12 members which shall include all members of the Construction Board of Adjustment and Appeals for building, residential, electrical, fire, fuel gas, life safety, mechanical and plumbing codes for the city, and the Building Official, the Fire Marshall, and the City Attorney.

(b) The review committee shall meet, as needed, whenever the City considers the adoption of any new building, residential, electrical, fire, fuel gas, life safety, mechanical or plumbing codes as amendments to those codes become available. The review committee shall submit a recommendation any new code amendments which shall be presented to the City Council whenever new codes are considered for adoption.

(Code 1986, § 2-426; Ord. No. 9654, § 56, 1-6-92; Ord. No. 11103, § 2, 11-28-00; Ord. No. 11721, § 5, 7-26-05)

Sec. 2-627. Charge for issuance of permits.

The personnel of the inspection department shall collect an administrative charge of five dollars (\$5.00) for the issuance of each permit issued by the department as required under the provisions of this Code or any ordinance or state statute in addition to the fees imposed therefor by the provisions of this Code or any ordinance or state statute.

(Code 1986, § 2-427; Ord. No. 9545, § 1, 4-30-91; Ord. No. 11103, § 2, 11-28-00)

Secs. 2-628 – 2-640. Reserved.

(Ord. No. 11103, § 2, 11-28-00)